

REMARKS

Claims 1-12, 14, 18, 20, 22, 24-30 and 32 have been previously canceled. No claims have been added, canceled or amended by way of this response. Thus, claims 13, 15-17, 19, 21, 23 and 31 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Rejections Under Section 103:

Claims 13, 15-17, 19, 21, 23 and 31 stand rejected under 35 U.S.C § 103(a) as being obvious over Hendengren et al. (USPN 5,389,876).

Applicant's claim 13 recites in part:

...wherein the flexible base is a flexible sheet with a **thickness of about 25 microns**, the coils each have a **thickness of about 17 microns**, and the ferrite material extends over a **thickness of about 200-600 microns**. [emphasis added]

Applicant's claim 23 recites in part:

...wherein at least one coil ... is a **copper coil with a thickness of about 17 microns**, the flexible base has a **thickness of about 25 microns**, the ferrite powder comprises ferrite particles with a **mean diameter of about 10 microns**, and the flexible curable material extends over a **thickness of about 200-600 microns**...[emphasis added]

Applicant's claim 31 recites in part:

...wherein the **flexible sheet has a thickness of about 25 microns**, the electrical coil is a **copper coil with a thickness of about 17 microns**, the ferrite powder comprises ferrite particles with a **mean diameter of about 10 microns**, and the **encapsulation compound extends over a thickness of about 200-600 microns**. [emphasis added]

The Examiner concedes in the instant Office Action that Hendengren et al. does not teach the above limitations, however, the Examiner contends that "where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device."

Applicant's respectfully submit that Applicant's claimed device and the device of Hendengren et al. would perform differently as one of ordinary skill in the art of eddy current

Serial No. 10/501,724
Atty. Doc. No. 2001P22564WOUS

design would readily appreciate that the physical dimensions of the measurement device components, i.e. the layer thickness, the coil thicknesses and ferrite material thickness, define the operating characteristics of the probe, such as probe sensitivity and resolution. Moreover, Hendengren et al. discusses this exact point at col. 3, lines 48-51, discussing the physical size of the coils as determining a probes flaw detection resolution. Therefore, the differences above between Applicants claimed invention and the prior art are non-obvious and patentable.

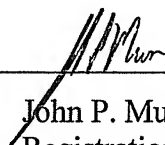
Therefore, Applicants respectfully submit that the above limitations in claims 13, 23 and 31 are not obvious recitations and claims 13, 23 and 31 are patentable in light of Hendengren et al.. Furthermore, claims 15-17, 19, 21 are also patentable based at least in part on their dependence from claim 13 as well as on their own merit, and respectfully request the Examiner withdraw the Section 103 rejections.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 11/7/08

By: 
John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830